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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/639,610	08/12/2003	Eileen Cecilia Schwab	8285/630	5403

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EXAMINER	
HOOSAIN, ALLAN	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/639,610	SCHWAB ET AL.	
	Examiner	Art Unit	
	Allan Hoosain	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 recites the limitation "the platform" in lines 6,12,15 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-2,4,6,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Frech et al.** (US 6,233,325) in view of Blakely (US 5,007,076).

As to Claims 1-2,4,6,8, with respect to Figures 2-7, **Frech** teaches a call processing method in a telecommunications system, the method comprising:

receiving a call placed by a calling party for a called party at a called communication station (Figure 2, label 1);

retrieving a subscriber profile for the called party which defines call screening information for the called party (Figure 2, labels 4-5 and Col. 7, lines 30-35);

playing to the calling party one of a called party-provided greeting and a greeting announcement (Figure 6, label 31);

if a recorded name screening feature is active, prompting the calling party for identification (Figure 6, label 32), and

recording the spoken identification provided by the calling party (Figure 6, label 32);

if the called party is engaged in a call, providing an announcement and entering a call waiting process (Col. 7, lines 50-58);

otherwise, routing the call to a directory number in accordance with the subscriber profile (Figure 6, label 34);

playing to the called communication station one of a predefined announcement and the recorded spoken identification (Figure 6, label 42);

determining from the subscriber profile if caller ID screening is active for the called party (Col. 4, lines 20-35);

if so, determining if a calling directory number is available for the call (Col. 4, lines 20-35);

if so, providing the calling party directory number to the called communication station (Col. 4, lines 20-35);

otherwise, if the calling directory number is not unknown, announcing an unavailable directory number to the called communication station (Col. 6, lines 15-20,Col. 7, lines 10-15,23-28);

prompting the called party to enter a call routing option (Col. 6, lines 55-58);

detecting a call routing option entered at the called communication station (Col. 6, lines 63-65);

if the entered call routing option corresponds to rejecting the call, routing the call to a reject-call default destination (Col. 7, lines 54-58); and

if the entered call routing option corresponds to accepting the call, connecting the call between the calling party with the called party (figure 5, label 27);

Frech does not teach the following limitations:

"providing the calling party directory number to the called communication station", "announcing an unavailable directory number to the called communication station" and "routing the call to a reject-call default destination"

However, it is obvious that **Frech** suggests the limitations. This is because **Frech** teaches calling party identification services (Col. 2, lines 14-24). **Blakely** teaches the limitations (Col. 6, lines 35-43,54-59). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the limitations to **Frech's** invention

for call announcement as taught by **Blakely's** invention in order to provide calling party identification services.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Frech** in view of **Blakely** and further in view of **Miner** (US 5,652,789).

As to Claim 3, **Frech** teaches the method of claim 1 further comprising limitations as taught in Claim 1 and the following:

Frech does not teach the following limitation:

"prompting the calling party to enter a desired directory number"

Miner teaches the limitation (Col. 7, lines 30-37). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add prompting capability to **Frech's** invention for obtaining a calling party's telephone number as taught by **Miner's** invention in order to provide better recognition and identification of callers to subscribers.

7. Claims 5,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Frech** in view of **Blakely** and further in view of **Bartholomew** (US 5,497,414).

As to Claim 5, **Frech** teaches the method of claim 4 further comprising the limitations as taught in Claims 1 and the following:

Frech does not teach the following limitations:

"determining if the default destination corresponds to an announcement, if so, playing the announcement and disconnecting the call"

However, it is obvious that **Frech** suggests the limitations. This is because **Frech** teaches rejecting callers (Figure 4, label 21). **Bartholomew** teaches the limitations (Figure 4A, label S124). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the send message capability to **Frech's** invention for terminating callers as taught by **Bartholomew's** invention in order to provide calling party rejection services.

As to Claim 7, **Frech** teaches the method of claim 1 further comprising the limitations as in Claim 1 and the following:

Frech does not teach the following limitation:

"calling directory number is blocked"

However, it is obvious that **Frech** suggests the limitations. This is because **Frech** teaches providing instructions for call treatment (Figure 3, label 30). **Bartholomew** teaches the limitations (Figure 4A, labels S122, S126). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add blocking capability to **Frech's** invention for terminating callers as taught by **Bartholomew's** invention in order to provide calling party rejection services.

Response to Arguments

8. Applicant's arguments filed in the 3/7/05 Remarks have been fully considered but they are not persuasive because of the following:

With respect to the Double Patenting rejection, Examiner noted Applicants' readiness to file a terminal disclaimer. In view of this readiness, Examiner requests that a terminal disclaimer be filed in the next response because the argument with respect to the platform is not persuasive. For example, Claim 1 recites prompting and playing greetings to a caller. These limitations suggests a platform. As recited in Claim 6 which depends on Claim 1, announcements are played from a platform. In anticipation of the filing of the terminal disclaimer, Examiner has withdrawn the double patenting rejection in this office action.

The 35 USC 112 rejection with respect to Claim 4 is withdrawn because of the amendment. However, Claim 6 also has the same antecedent problem as did claim 4. A new 35 USC 112 rejection is given for Claim 6.

With respect to the 35 USC 103 rejections, **Frech** fails to suggest a subscriber profile. Examiner respectfully disagrees because **Frech** teaches determining whether announcements should be played to a called subscriber (Col. 6, lines 5-21). This determination suggests a subscriber profile. **Frech** teaches further an accept list which is equivalent to a subscriber profile because the list determines which callers will be announced (Col. 7, lines 32-35).

Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tatchell et al. (US 6,160,877) teach screening and prioritizing incoming calls for called parties.

Serbetcioglu et al. (US 5,511,111) teach caller name delivery services to subscribers.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Carlyle, Alexandria, VA 22313 (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Allan Hoosain

Allan Hoosain
Primary Examiner
6/27/05